

FILED

MAR 30 2001

PEGGY B. DEANS, CLERK  
U.S. BANKRUPTCY COURT  
EASTERN DISTRICT OF N.C.

IN RE:

CHAPTER 7

INTERNATIONAL HERITAGE, INC.,

CASE NO. 98-02675-5-ATS

Debtor,

MOTION FOR AUTHORITY TO COMPROMISE  
ADVERSARY PROCEEDING BY DISMISSAL  
(S-00-00264-5-AP)

NOW COMES Holmes P. Harden, Trustee, Trustee herein and plaintiff in the adversary proceeding captioned "Holmes P. Harden, Trustee, Plaintiff vs. Cosmetech International, Inc., Defendant", Adversary Proceeding No. S-00-00264-5-AP filed in this case (the "Adversary Proceeding"), through counsel and pursuant to Bankruptcy Rule 9019, and moves this Court for an order granting it authority to compromise the Adversary Proceeding by dismissal. In support of this Motion, the Trustee shows the Court that:

1. Holmes P. Harden, is the duly appointed Trustee in this case.
2. The \$3,000.00 sought by the Complaint in the Adversary Proceeding represents the sum total of payments which the Trustee alleged to be avoidable and recoverable under Bankruptcy Code §547 and §550 of the Bankruptcy Code.
3. The Defendant has disputed the amount of the Trustee's claim and raised a number of defenses. The Trustee has concluded that the defenses raised constitute a complete defense to the Adversary Proceeding.
4. The Trustee has dismissed the Adversary Proceeding without prejudice, subject to Court approval.
5. The Trustee believes that the proposed dismissal is in the best interests of the estate and its creditors and requests that the Court approve this Motion.

WHEREFORE, the Trustee prays for an order approving and authorizing the dismissal of the Adversary Proceeding.

This the 30 day of March, 2001.

*Stephani W. Humrickhouse*  
Stephani W. Humrickhouse  
State Bar #9528  
Attorney for Trustee  
NICHOLLS & CRAMPTON, P.A.  
Post Office Box 18237  
Raleigh, North Carolina 27619  
Telephone: (919) 781-1311

**CERTIFICATE OF SERVICE**

It is hereby certified that the foregoing **MOTION FOR AUTHORITY TO COMPROMISE ADVERSARY PROCEEDING BY DISMISSAL** was served this day by placing a copy thereof in a depository under the exclusive care and custody of the United States Postal Service first-class postage prepaid and properly addressed as follows:

Fred Seiden, President  
Cosmetech Mably International  
595 Madison Ave.  
New York, NY 10022

This the 30 day of March, 2001.



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Phyllis Hill  
Legal Assistant  
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